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U. S. DEPARTMENT OF AGRICULTURE

[WFO 138]

PART 1220—FEED

RESTRICTIONS ON USE OF GRAIN

The fulfillment of requirements for defense of the United States will result in a shortage in the supply of livestock feed for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1220.23 *Restrictions on the use of grain*—(a) *Definitions*. (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(2) "Distiller" means any person engaged in the business of manufacturing alcohol or alcoholic beverages or spirits by any process which includes distillation.

(3) "Feed recovery plant" means any facility of a distiller which may be used to recover livestock feed from the by-products of the manufacture of alcohol or alcoholic beverages or spirits.

(4) "Grain" means corn, wheat, grain sorghums, barley, rye, or any other grain used by a distiller in the manufacture of alcohol or alcoholic beverage or spirits.

(5) "Order Administrator" means the Chief of the Agricultural Adjustment Agency, Department of Agriculture.

(b) *Restrictions on use*. On and after the effective date of this section, no distiller with a feed recovery plant or plants shall use any grain in the manufacture of alcohol or alcoholic beverages or spirits by any process which includes distillation, unless all feed by-products from grain so processed be recovered up to the maximum capacity of such plant or plants.

(c) *Contracts*. The restrictions of this section shall be observed without regard to contracts heretofore or hereafter made or any rights accrued or payments made thereunder.

(d) *Records and reports*. (1) The Order Administrator shall be entitled to obtain such information from and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(2) Every person subject to this section shall, for at least one year (or for such period of time as the Order Administrator may designate), maintain an accurate record of his transactions in grain.

(e) *Audits and inspections*. The Order Administrator shall be entitled to make such audit or inspection of the books, records and other writings, premises, or stocks of grain of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this section.

(f) *Request for relief from hardship*. Any person affected by this section who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a request for relief with the Order Administrator. All requests shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. Such requests shall be acted upon by the Order Administrator or any employee of the Agricultural Adjustment Agency designated by him.

(g) *Violations*. Any person who violates any provision of this section may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using grain. Any person who wilfully violates any provision of this section is guilty of a crime and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this section.

(h) *Delegation of authority*. The administration of this section and the powers vested in the Secretary of Agriculture, insofar as such powers relate to the administration of this section, are hereby delegated to the Order Administrator. The Order Administrator is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this section.

(i) *Communications*. All reports required to be filed hereunder and all communications concerning this section shall, unless otherwise provided, be addressed to the Order Administrator, Food Order No. 138, Agricultural Adjustment Agency, Department of Agriculture, Washington 25, D. C.

Effective date. This section shall become effective at 12:01 a. m., e. w. t., July 10, 1945.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 10th day of July 1945.

[SEAL]

CLINTON P. ANDERSON,
Secretary of Agriculture.



